

**Myth or Fact?**

American popular culture features many mistaken notions about Native Americans. As a first step in learning about tribal people, look at some of the following common perceptions.

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**Myth:** With each census, fewer people identify themselves as Native Americans.

**Explanation:** Although many believe that Native Americans face extinction, U.S. Census Bureau figures show that the Native American population has approximately tripled since 1890.

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**Myth:** Most tribal nations are wealthy since they began operating casinos.

**Explanation:** Most tribes do not have gaming operations. In 1997, 10 tribes earned 56 percent of the gaming income. Most of the gaming tribes earn modest incomes.

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**Myth:** All tribes are federally recognized.

**Explanation:** Not all tribes are federally recognized. Today there are over 560 tribal governments, each one unique. "Recognition" is a legal term meaning that the United States recognizes a government-to-government relationship with a tribe and that a tribe exists politically in a "domestic dependent nation status."

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**Myth:** All Indian reservations are located west of the Mississippi River.

**Explanation:** Numerous Federal and State Indian reservations lie east of the Mississippi River, especially in the upper Midwest and Northeast. Michigan, Florida, and some New England states have experienced some of the most rapid population increases. However, the greatest numbers of reservations do lie west of the Mississippi River.

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**Myth:** Reservations are losing population as Indians move away.

**Explanation:** In 1990, 60 percent of American Indians lived either in tribal areas or surrounding counties. Of those in surrounding counties, 71 percent would prefer to return to the reservation. Cultural ties to tribal areas remain strong. Many Native Americans living in urban areas retain ties to their tribes and hope to move back when they retire.

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**Fact:** Many Indians speak tribal languages.

**Explanation:** Many Native American languages are still spoken, despite being forbidden in the past, particularly in compulsory boarding schools used to educate Indians in the late 1800s and early 1900s. To the extent they can, tribes are putting resources into reviving languages.

**Myth:** Indians do not pay taxes.

**Explanation:** Individual Indians pay all the taxes that other citizens do, except for earnings from their own allotments or from income earned on reservations. Tribal income is exempt from federal taxes. In general, most courts have ruled against the imposition by states of taxes in Indian Country. Tribes may impose taxes on tribal and non-tribal residents on reservations.

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## Partnering Challenges

Like other U.S. citizens and local governments, American Indians and tribal governments may be eligible for Federal disaster assistance and other programs that benefit individuals and their communities.

Tribal communities present a special challenge to Government workers. For example:

- Sometimes the State and local emergency management network overlooks tribal governments.
  - Tribal cultures and traditions may conflict with work expectations and procedures.
  - Indian communities often mistrust representatives of the Federal Government.
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## Disaster Worker Challenges

Experienced disaster workers who have worked with tribes stress the need to be flexible and responsive.

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## Tribal Considerations

Many tribes are new to emergency management and disaster assistance. Some things you should consider are:

- Tribal communities traditionally care for their own people in disasters.
- Tribal leaders may not know how to ask for Federal disaster assistance.
- Tribal people may see FEMA's role as interference with tribal culture.
- Tribal people often do not distinguish among government agencies.

Above all, remember that good relations depend on respect for tribal leadership structures and decision-making processes.

Tribal viewpoints reflect a range of experience with emergency management and with FEMA.

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**Conclusion**

This lesson presented:

- The facts behind some common notions about American Indians.
  - Viewpoints of disaster workers and tribal individuals about working together.
  - Potential challenges dealing with tribal nations.
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**Historical Timeline**

There have been radical shifts in policy toward Indian nations that negatively impacted the cultures, identities, and ancestral lands of these great nations.

The historical timeline for these major changes falls within seven periods:

1. Pre-European Period (Prior to 1492)
  2. Colonial Period (1492-1828)
  3. Removal and Relocation Period (1828-1871)
  4. Allotment and Attempted Assimilation Period (1871-1928)
  5. Reorganization Period (1928-1945)
  6. Termination and Relocation Period (1945-1965)
  7. Self-Determination Period (1965-Present)
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**Pre-European Period (Prior to 1492)**

Indian people lived in organized societies with their own forms of government, lifestyles, and languages long before contact with Europeans.

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**Colonial Period (1492-1828)**

The movement to North America grew from a trickle of a few hundred European colonists to a flood of millions of newcomers. Why did they leave Europe in mass? For most people it was to:

- Escape political oppression of the ruling parties.
  - Find freedom to practice their religion.
  - Avoid economic difficulties sweeping England.
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**Colonial Period: Early Colonists**

The settlers acquired Indian lands through the doctrine of discovery (simply locating land and laying claim to it), transfer from the English crown, and treaties with the Indians.

Treaties are documents between two independent sovereignties to negotiate borders, provide access to resources, and settle land and military disputes.

The colonists settled mostly on the East Coast because the English government had forbidden encroachment of the colonists west of the Appalachians. This policy was intended to maintain peace with the Indian tribes and discourage any alliance between them and France.

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**Colonial Period: Post-Revolutionary War**

Following the Revolutionary War, the United States continued the treaty making with the tribes started by the Spanish and British. These treaties or agreements negotiated on a government-to-government pattern sought to establish peace and territorial boundaries and to regulate trade and extradition of criminals.

The 1778 Treaty with the Delaware Indians was the first between the United States and an Indian tribe.

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**Colonial Period: Key Case Law – Marshall Trilogy**

In 1823, Chief Justice Marshall wrote the first of three cases of key Federal Indian law that affirmed tribal sovereignty and established doctrine of Federal trust responsibility. These laws are known as the Marshall Trilogy and are the foundation for current judicial decisions involving the powers of tribes. Summaries of these cases follow.

**Johnson v M'Intosh, 21 U.S. (8 Wheat) 543 (1823)**

This case involved competing claims to the same lands acquired from the same Indian tribe by different means. The court ruled that Indian nations could only convey ownership to the United States and not individuals. This approach restrained encroachment not authorized by the United States into Indian territories and confirmed Federal control of Indian affairs.

**Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1, (1831)**

The Cherokee Nation challenged the legality of the State of Georgia to oust the Cherokee Nation from its lands in spite of its treaty with the United States. Judge Marshall ruled that the Cherokee Tribe is a "domestic dependent nation" with the relation of the tribe to the Federal Government like that of "ward to guardian." Therefore, the State could not interfere with the Cherokee Nation.

**Worcester v. Georgia, 31 U.S. (6 Pet.) 515, (1832)**

Missionaries to the Cherokee Nation appealed their conviction in Georgian courts for not having received a license from the Governor of Georgia to enter Cherokee country. Judge Marshall ruled the conviction by the State was void because the tribe was a distinct community over which the laws of the State have no force.

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**Colonial Period: Bureau of Indian Affairs**

The Bureau of Indian Affairs was created to manage the affairs of the tribes in fulfillment of the Federal Government's self-determined role as having power over Indian affairs. The mission has changed dramatically over time from the direct provider of services to that of technical specialist working with tribal managers in protecting and managing trust resources.

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**Removal and Relocation Period (1828-1871)**

As the United States population continued to grow and the demand for land on the east coast increased, the United States Government forced eastern tribes to move west.

In 1835, nearly all of the Cherokee Nation, some 17,000 people, were forced to leave their ancestral lands, homes, and possessions at gunpoint and forced to march from northern Georgia to present-day Oklahoma. The Trail of Tears as it is known killed 4,000 Cherokee.

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**Removal and Relocation Period: Moving Tribes West**

Nearly all the eastern tribes were moved from fertile soil to the semiarid center of the country—known at the time as the Great American Desert. Consequently, today there are very few tribes located on the East Coast.

The removal policy gave way in the 1850s to an official policy of confining Indians to reservations rather than relocating them beyond the rapidly expanding frontier.

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**Removal and Relocation Period: Treaties Ceding Lands**

Throughout this period hundreds of treaties were made. Many of them were made with tribes in the northern plains for their lands, thus restricting reservation boundaries even further.

Some of these treaties contained provisions for the tribes to retain hunting, fishing, and gathering rights on the ceded lands. These treaty rights are still valid and must be considered when carrying out the provisions of programs that could impair these rights.

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**Removal and Relocation Period: Violating Treaties**

Unfortunately, some of the treaties were never ratified, and some were put in place through bribery or by only a small part of the signatory tribes. Additionally, the Federal Government failed to fulfill the terms of many treaties, and was sometimes unable or unwilling to prevent States, or white people, from violating treaty rights of Indians.

By 1871 treaty making came to an end. The treaties were replaced with agreements that the Executive Branch negotiated and the Congress enacted into law. The move was mostly symbolic and ushered in the beginning of the next era.

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**Allotment and Attempted Assimilation Period (1871-1928)**

During this period:

- More Indian lands were taken for settlement by the United States.
  - Federal law expanded into internal tribal affairs.
  - Widespread use of boarding schools for Indian children developed.
  - Reserved tribal lands were allotted to individual Indian ownership.
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**Allotment and Attempted Assimilation Period: General Allotment Act (Dawes Act)**

The General Allotment Act (Dawes Act) sought to break up tribes by breaking up the ownership of the land and assimilating them into the nation. Specifically the Act:

- Enabled the President to allot small parcels of tribal lands to individual Indians.
  - Authorized the Federal Government to hold land in trust for 25 years or more to prevent transfer of the land.
  - Authorized the United States to sell lands left after allotment.
  - Subjected allottees to State civil and criminal jurisdiction.
  - Extended U.S. citizenship to allottees.
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**Allotment and Attempted Assimilation Period: “Surplus” Land**

Under the original Act the heads of household and minors received 160 and 40 acres each. This was soon changed to reduce the amount of acreage.

Of the 138 million acres in Indian or tribal lands in 1887, only 48 million acres remained by 1934. Most of the loss resulted from what was called **surplus land**—i.e., whatever land remained after allotments were made to Indian households of their own lands. Some of the surplus lands were sold and payments made to the tribes while others were simply opened for homesteading.

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**Allotment and Attempted Assimilation Period: Removing Children From Their Families**

Federal Indian policy called for the removal of children from their homes and in many cases enrollment in Government-run boarding schools far away from their families.

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**Allotment and Attempted Assimilation Period: Destroying Tribal Traditions**

The purpose was to make children like their so-called civilized American brothers and sisters by destroying their traditions.

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**Allotment and Attempted Assimilation Period: Granting U.S. Citizenship to Indians**

In 1924 Congress granted Indians United States citizenship for the first time because of the services Indian soldiers performed during World War I and lobbying efforts.

The Allotment and Attempted Assimilation Period came to a close as a result of a Government-requested study (the Merriam Report) that deemed the policies of this period a failure.

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**Reorganization Period (1928-1945)**

This short but progressive period ended allotments and began restoring Indian lands. The Federal Government created programs and projects for health facilities, irrigation works, roads, homes and schools to help restore Indian economic and cultural life.

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**Reorganization Period: Indian Reorganization Act**

The Indian Reorganization Act (IRA), sometimes called the Indian New Deal, was the centerpiece of this era.

Instead of forcing Indian people to forsake their traditions for new lives on farms or in cities, the IRA recognized their right to exist as a separate culture.

The Act included the establishment of chartered tribal governments with constitutions and bylaws based on a template of the Federal Government. This structure is very different from the traditional government structure of the tribes.

This period was the first time in American Indian history that tribal councils were formally recognized.

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**Termination and Relocation Period (1945-1965)**

Termination basically ended what the Government previously endorsed:

- Trust relationships between Federal and tribal governments.
  - Self-government of the tribes.
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**Termination and Relocation Period: Termination Policies and Results**

More than 100 tribes were terminated during this period. The Federal Government simply no longer recognized them as Indian nations and ended Federal supervision and control over Indians.

The tribes lost their governmental authority and State criminal laws were imposed on many tribes. Additionally, millions of acres of valuable natural resource land were taken through tax forfeiture sales.

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**Termination and Relocation Period: Relocation Program**

The Bureau of Indian Affairs started a relocation program that granted money to Indians to move to selected sites to find work—yet another attempt to absorb Indians into mainstream society and eliminate distinct cultures. This program was somewhat successful: 40% of the Indian population still resides in cities.

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**Self-Determination Period (1965-Present)**

The abuses of the Termination and Relocation Period led to reforms. The Federal Government expanded the powers of tribal self-government and restored the recognition of tribes.

In a special message to Congress, President Lyndon B. Johnson stated his principles for tribal relations, which those who have followed him continue to support:

“The greatest hope for Indian progress lies in the emergence of Indian leadership and initiative in solving Indian problems. And we must assure the Indian people that it is our desire and intention that the special relationship between the Indian and his government grow and flourish. For the first among us must not be the last.”

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**Self-Determination Period: Legislation**

Important legislation includes the following:

- **Indian Civil Rights Act:** Established civil rights for all people under tribal government jurisdiction and authorized the Federal Government to enforce these rights.
  - **Indian Self-determination and Education Assistance Act:** Recognizes the Federal trust responsibility and directs the Bureau of Indian Affairs and Indian Health Services to contract with the tribes for programs that these agencies administered such as education, health, and human services.
  - **American Indian Religious Freedom Act:** Preserves the rights of American Indians to practice traditional religious beliefs.
  - **Native American Graves Protection and Repatriation Act:** Requires notification and return of human remains and culture items to the tribes. Also regulates the excavation of land where Indian remains or property is located.
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**Self-Determination Period: FEMA Tribal Policy**

Federal agencies have acknowledged their support for the independence and government-to-government relationships with the tribes through policy statements and removal of barriers to participation in national programs.

FEMA's tribal policy became effective in 1998.

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**Resources**

Review the following resources:

- List of American Indian and Alaska Native Related Website Links:  
<http://www.doi.gov/oait/links.htm>.
- Indian 101 Frequently Asked or Un-Asked Questions by Non-Natives.  
<http://www.atniedc.com/philanthropy/indian-101.htm>.
- Indian Law: An Overview. <http://wwwsecure.law.cornell.edu/topics/indian.html>.
- An Outline of American History. <http://usinfo.state.gov/products/pubs/list.htm>.
- Working Effectively with Federally-Recognized Indian Tribes. Environmental Protection Agency. Call for a copy: (202) 260-2516.
- American Indians and Alaska Natives. Department of the Interior. Call for a copy: (202) 208-3338 or download it at <http://www.doi.gov/oait>.
- An Introduction to Indian Nations in the United States. National Congress of American Indians. Call for a copy at (202) 466-7767. There is a charge for the booklet.

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**Conclusion**

This lesson presented:

- A brief history of Federal Government policy toward Native Americans and how this history impacts current relations.
  - The importance of sovereign nation status and government-to-government relationships, and how these issues relate to the various programs the Agency provides.
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**Overview of Tribal Cultures**

Despite past hardships and upheavals, tribal traditions and values endure. Knowing something about tribal cultures can open the way for positive relations with Indian people.

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**Indian Values and Attitudes**

Indian people take pride in their own tribes' histories and cultures. Each tribe is unique.

Within the multitude of tribal cultures, tribal people share some core values and attitudes. For example:

- Family plays a central role, and elders are treated with great respect.
  - Information often comes through storytelling.
  - Indians place high value on preserving native languages and religious traditions.
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**Addressing Native Americans**

If asked, tribal people will explain how they want to be addressed. Most prefer use of a specific tribal name.

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**Family and Elders**

The family holds a central place in all tribal cultures.

- Tribal families treat distant clan members as close relatives.
- Family needs outweigh other concerns and commitments.

Tribal communities show great respect for the wisdom of their elders by:

- Addressing them first in group settings.
- Consulting them about how to proceed.

Younger tribal members interpret as needed for elders with limited English.

Tribal people stress the importance of family and elders in their cultures.

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**Sharing Information**

Tribal people carefully consider responses when answering questions and making decisions. Therefore, when working with tribal people, plan to double or triple the amount of time you would ordinarily expect to spend. Also keep in mind that:

- A rushed and impersonal manner may shut off conversation.
  - Information often is shared by telling a story.
  - Tribal people consider it an insult to provide information you may already know; as a result, they can appear reluctant to answer a question or volunteer information.
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**Hospitality**

Most tribal cultures value hospitality, and may expect visitors to share food and drink.

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**Native Languages**

- In the United States, there are about 600 distinct tribal languages belonging to more than 10 language families.
  - The ability to speak one's language is highly prized.
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**Worship**

Religious traditions endure among tribal people. Expressions of spiritual life include:

- Dancing, singing, and chanting.
- Showing reverence by actions such as drinking water, burning sweet grass, taking a sweat bath, or fasting.
- Gathering for ceremonies in certain locations at specific times.
- Treating burial grounds and other traditional sites as sacred.

The circle carries special meaning for tribal people.

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**Relationship to Land**

Traditionally, tribal people have not viewed land as the property of human beings. Because of these beliefs:

- Tribal members often share use of the land.
  - Land is considered sacred.
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**Resources**

Review the following weblinks:

- Native Americans  
<http://killeenroos.com/link/amind.html>
  - National Museum of the American Indian  
<http://www.nmai.si.edu/>
  - Navaho Codetalkers  
<http://www.lapahie.com/NavajoCodeTalker.cfm>
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**Conclusion**

This lesson presented tribal values and attitudes concerning:

- The importance of family and elders.
  - Preferred ways to converse and interact.
  - The high value placed on preserving native languages and spiritual traditions.
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**Pre-Disaster Relations**

Before disaster strikes, tribes should have emergency operations plans. Tribes also should be included in emergency management networks with local, State, and Federal partners.

However, many tribal governments currently lack emergency management resources and training. To help build emergency management capability:

- Tribal representatives can take emergency management courses, including a classroom course designed specifically for tribal governments to help them build emergency management capabilities.
  - Staff in FEMA Regional Offices can work with tribes to develop emergency operations plans, encourage participation in programs such as the National Flood Insurance Program, obtain flood insurance rate maps through the NFIP, and help tribes gain the funds and technical assistance needed to develop their ability to carry out emergency functions.
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**Tribal Emergency Planning**

In spite of a grassroots feeling that anticipating disaster may cause disaster, tribal governments feel a strong responsibility to protect their members and their land.

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**Tribal Status**

A condition of Federal assistance is that a tribe must be federally recognized. The tribal status needs to be determined before initial contacts are made.

The Bureau of Indian Affairs (BIA) lists recognized tribes, and updates the list regularly. Listed tribes are:

- Granted status as sovereign nations.
- Included in the U.S. Government Federal trust responsibility.

A list of federally recognized tribes can be found at [http://www.fema.gov/tribal/indian reservation](http://www.fema.gov/tribal/indianreservation).

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**Who Is Indian?**

Tribes determine how to organize their governments, and they also determine who is Indian. Do not assume someone is or is not an Indian based on appearance. An Indian is someone who:

- Has a quantum, or percentage, of Indian blood set by an individual tribe as the criterion for membership.
- Is recognized by that tribe as a member.

If you have Indian ancestry, remember that ancestry alone does not make you an Indian. Therefore, avoid reference to your Indian heritage when representing your agency at initial meetings with tribes.

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**Contacting Tribes**

Any official relationship with a tribe begins with an introductory meeting with the tribe's elected leadership. To prepare for a meeting:

- Review information about the tribe. Tribal websites describe tribes and identify current leaders. Many tribes have publications that they are pleased to share upon request.
  - Respect tribal protocol. Every tribe has a procedure for contacting and arranging meetings with tribal officials.
  - Contact the FEMA Regional Tribal Liaison or others experienced in working with the tribes and ask for help arranging the meeting. These resources can help with questions about tribal protocol.
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**Tribal Decision Making**

Elected tribal leaders make all significant decisions for tribes. Factors to remember when discussing issues or proposals with the leadership are:

- Respect for tribal sovereignty is the key to successful relations.
  - Council resolutions are the means used to establish emergency management programs and authorize actions related to disaster assistance, hazard mitigation, and other programs.
  - Tribal lawyers attend most council meetings, and can advise on resolutions and other legal matters.
  - Meetings of tribal governing bodies proceed deliberately and address issues that may have higher priority to the tribe than emergency management or disaster matters.
  - Tribes work on their own timetable. It is important for tribes to get to know you before doing business with you. This can result in the extension of normal deadlines.
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### Explaining Disaster Assistance

Tribes may need information about the declaration process, types of assistance available, and how to apply for assistance.

Many tribes view the Stafford Act requirement that State Governors request disaster assistance as a violation of tribal sovereignty. To respond to such concerns:

- Explain that as a Federal employee, you cannot go beyond the authority granted you by your agency and the law.
  - Assure the tribal leadership that all programs and assistance will be delivered to the full extent possible, and that after there is a declaration, FEMA will communicate with the tribe on a government-to-government basis.
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### Setting Realistic Expectations

Tribal officials need to understand what disaster assistance can and cannot do. Be sure to make the following points when explaining disaster assistance:

- Disaster assistance is limited to repairing damage from this event only. Preexisting damage is not eligible.
  - Facilities owned by other Federal agencies, such as the Bureau of Indian Affairs, will not be eligible for repair or replacement.
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### Resources

Review the following weblinks:

- FEMA's tribal website  
<http://www.fema.gov/tribal>
  - Emergency management training resources  
<http://training.fema.gov/EMIWeb>
  - Tribal websites  
<http://killeenroos.com/link/amind.html>
  - Federally recognized Indian reservations  
[http://www.fema.gov/tribal/indian\\_reserv.shtm](http://www.fema.gov/tribal/indian_reserv.shtm)
  - Stafford Act  
<http://www.fema.gov/library/stafact.shtm>
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**Additional Resources**

Increase your knowledge by reading books and materials about Indian people and their culture. Suggestions:

1. Basso, Keith H. *Western Apache Language and Culture*. The University of Arizona Press, Tucson and London, 1990.
  2. Beall, Merrill D. *I Will Fight No More Forever: Chief Joseph and the Nez Perce War*. University of Washington Press, 1963.
  3. Brown, Dee. *Bury My Heart At Wounded Knee*. Holt, Reinhart and Winston, 1970.
  4. Canby, William C. *American Indian Law in a Nutshell*. West Group, St. Paul, Minnesota, 1998.
  5. Clifton, James A. *Being and Becoming Indian*. The Dorsey Press, Chicago, 1989.
  6. Deloria, Vine, Jr. *Custer Died For Your Sins*. University of Oklahoma Press, Norman and London, 1969.
  7. Diaz, Bernal. *The Conquest of Mexico: The Diary of Bernal Diaz*.
  8. Dooling, D.M., and Paul Jordon-Smith (editors). *I Become Part of It: Sacred Dimensions in Native American Life*. Parabola Books, New York, 1989.
  9. Eastman, Charles Alexander. *The Soul of an Indian*. The Classic Wisdom Collection, New World Library, San Rafael, California, 1993.
  10. Erdoes, Richards, and Alfonso Ortiz (editors). *American Indian Myths and Legends*. Pantheon Books, New York, 1984.
  11. Haines, Francis. *The Plains Indian*. Thomas Y. Crowell Company, New York, 1976.
  12. Hanke, Lewis. *Aristotle and the American Indian*. Indian Press, 1970.
  13. Highwater, Jamake. *Native Land: Sagas of North America*. Little, Brown and Company, Boston and Toronto, 1986.
  14. Hultkrantz, Ake. *Native Religions of North America*. Harper and Row, San Francisco, 1987.
  15. Laubin, Reginald and Gladys. *The Indian Tipi: Its History, Construction and Use*. University of Oklahoma Press, 1989.
  16. Lincoln, Kenneth. *The Good Red Road*. Harper and Row Publishers, San Francisco, 1987.
  17. Neihardt, John G. *Black Elk Speaks*. University of Nebraska Press, Lincoln, 1959.
  18. Neihardt, John G. *Twilight of the Sioux*. University of Nebraska Press, Lincoln, 1971.
  19. Padden, R.C. *Hummingbird and the Hawk*.
  20. Ross, A.C. *Mitakuye Oyasin: We Are All Related*. Bear Press, 1990.
  21. Sale, Kirkpatrick. *The Conquest of Paradise*. Knoph Press, New York, 1990.
  22. Stegner, Wallace. *Angle of Repose*. \*Just good reading about the West.
  23. Stegner, Wallace. *Where the Bluebird Sings to the Lemonade Springs*. \*Just good reading about the West.
  24. Weatherford, Jack. *Indian Givers: How the Indians Transformed the World*. Fawcett Columbine, New York, 1988.
  25. Weatherford, Jack. *Native Roots: How the Indians Enriched America*. Fawcett Columbine, New York, 1991.
  26. Wolfson, Evelyn. *Growing Up Indian*. Walker and Company, New York, 1986.
- \*Young teen reading.

**Conclusion**

This lesson presented how to approach and begin discussions with a tribal government about emergency management, disaster assistance, and other Federal programs including:

- Promoting emergency management in tribal communities.
  - Researching tribal status and leadership structure.
  - Making initial contact with a tribal community.
  - Explaining disaster assistance.
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**Tribal Relations and Individual Assistance**

The Individual Assistance staff faces challenges delivering programs to tribal governments. Challenges may include:

- Lack of familiarity of tribal leadership with FEMA's Individual Assistance programs.
  - Isolation caused by distance, lack of telephones, and lack of transportation that hampers communication.
  - Difficulty determining home ownership.
  - The need for all disaster staff to know and observe tribal protocol and cultural issues.
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**Spreading FEMA's Message**

A big challenge for Individual Assistance is getting FEMA's message to eligible tribal applicants. Possible explanations for this difficulty include the following:

- Tribal leaders may not be familiar with basic program information needed to lend their support to FEMA's efforts.
  - Usual media outlets do not reach many in the community, who instead rely on tribal newspapers and radio stations.
  - The area may be rural and require house-to-house contacts.
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**Aiding Registration**

Even after the message is spread throughout the community, the following factors may prevent some individuals from applying.

- Some people may not trust the Government and will not apply for assistance.
  - People without access to telephones cannot call the National Processing Service Centers (NPSC).
  - Language barriers may prevent some from applying.
  - The elderly may require special help.
  - Multiple families may reside in the same dwelling and not realize that each family needs to file an application.
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## Housing Ownership

On an Indian reservation, there are several types of housing arrangements and various responsibilities for repair and maintenance of properties.

- **Individual Owns House, But Not Land:** An individual may own the house but not the land. In such situations, the land may be owned by the tribe or held in trust by the Bureau of Indian Affairs (BIA), and either the land cannot be deeded or if a deed can be issued, it will not be a traditional deed of trust.
- **Tribal Housing Authority Owns Housing:** Tribal Housing Authorities, through grants from the Department of Housing and Urban Development (HUD), build new homes that individuals can purchase from the Authorities. The Authority, considered the owner until final payment is made, is responsible for maintenance and repair. The Authority may be able to apply through Public Assistance for funds to repair uninsured housing owned by the Authority.
- **BIA Owns Housing:** BIA funds housing on reservations. Unless ownership is conveyed to the individual, repairs and maintenance of the housing are the responsibility of BIA.
- **Individual Is a Conventional Homeowner:** Conventional homeowners paid outright or through mortgage lending agencies for their homes.
- **Individual Inherited Home:** Homeowners inherited the home, and the title may or may not have been transferred.
- **Individual Rents Tribally Owned Housing** Traditional renters pay a fee or live rent-free in the dwelling.

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## Preparing To Inspect Housing

Tribal governments should be asked how they want housing inspections conducted. Points to cover include:

- The protocol that inspectors should follow to get permission to enter tribal lands.
- Whether a tribe would like representatives to accompany inspectors.

Protocols will vary based on the tribe. Where possible, these should be worked out before an event occurs.

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**Briefing Inspectors**

After determining the tribes' preferences on conducting inspections, Individual Assistance staff should inform the housing inspectors about tribal protocols early in the process, during contract briefings. Problems can be avoided or reduced if:

- Inspectors know the requirements from the outset.
- All inspectors receive consistent information.

A Tribal Housing Authority representative or other designated tribal representative should be contacted to help resolve questions about home ownership and obtain needed documentation.

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**Assistance From FEMA**

The different amounts of grant assistance available from FEMA to repair housing can be an issue. For example:

- Public Assistance (PA) funds can be used to restore tribally owned uninsured housing to pre-disaster conditions.
- Individual Assistance (IA) funds are limited to making individually owned housing safe, sanitary, and fit to occupy.

Explaining the cost-share requirement with PA funds will help reduce concerns about inequities.

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**Other Individual Assistance Programs**

The tribe's relationship with the State affects delivery of Individual Assistance Programs that require State involvement. These issues may include:

- Some States do not or cannot legally pay the Other Needs Assistance cost share for tribal applicants.
  - The State's mental health agency, which delivers the Crisis Counseling program, probably does not serve tribal governments.
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**Resources**

Review additional Individual Assistance information on the FEMA website:

- <http://www.fema.gov/rrr/inassist.shtm>
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**Conclusion**

This lesson presented:

- The challenges in locating and registering eligible Individual Assistance applicants.
  - Issues of home ownership on Indian reservations.
  - Approaches for delivering Individual Assistance in a tribal setting.
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**Tribal Relations and Public Assistance**

The Public Assistance staff must be ready to deal with likely issues in delivering the program to tribal governments. Possible issues are:

- Tribes may be left out of the Public Assistance communications loop.
  - Missing and inaccurate damage estimates can prevent or delay program delivery.
  - Identifying facilities ownership will require effort.
  - Some tribes may need a thorough explanation of program requirements.
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**Tribal Participation**

Eligible tribal applicants may need help starting the Public Assistance process. Public Assistance staff members should:

- Identify tribes overlooked during Preliminary Damage Assessments (PDAs) and Applicants' Briefing notifications. Failure to clarify State, BIA, and other Federal agency roles in addressing tribal damage can result in failure to include tribes in the process.
  - Involve the State. It is a good opportunity to foster Federal, tribal, and State partnerships.
  - Observe tribal protocol when meeting with representatives. Meet first with the Tribal Chairman, or designate, who will generally direct you to the appropriate department heads.
  - Avoid promising assistance beyond program limits.
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**Bureau of Indian Affairs (BIA) Role**

The BIA can support tribal participation in the Public Assistance program by:

- Providing FEMA-trained inspectors to serve on Preliminary Damage Assessment (PDA) teams.
  - Identifying BIA roads, schools, hospitals, and other public facilities.
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**Applicants' Briefing**

Tribal Applicants' Briefings usually present more detail than standard presentations. When planning for or assisting with a briefing for a tribal community:

- Determine past disaster experience. Tribes without prior program experience may have more extensive information needs.
  - Be prepared to explain questions about eligibility, floodplain management, insurance requirements, environmental and historic considerations, and Federal procurement standards.
  - Plan to explain the differences between grantee and subgrantee status and the advantages and disadvantages of each.
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**Kickoff Meeting**

Bring experienced staff members who can work with tribal representatives to explain:

- Program requirements and processes.
- Eligibility requirements.
- Documentation needed for reimbursement.
- Floodplain management considerations, insurance requirements, hazard mitigation opportunities, and compliance with environmental and historic preservation laws.

Providing sample forms that demonstrate what is required can help ensure desired outcomes.

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**Grantee Versus Subgrantee Status**

Federally recognized tribes may apply as grantees or subgrantees under the Public Assistance program. Some factors to consider are:

- A tribe may choose either status for current and future disasters.
  - As grantees, tribes need to sign a FEMA/Tribes agreement, develop a Public Assistance Administrative Plan, comply with audit requirements, and pay the required non-Federal share.
  - As subgrantees, tribes often receive a portion of the non-Federal share from the State, but do not receive the grantee administrative allowance.
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**Grant Management Issues**

All Public Assistance applicants must maintain proper documentation. Audits show that tribes, like other applicants, often have problems documenting how work is done and recording the associated costs. To prevent problems, Public Assistance staff members should:

- Encourage tribes to participate in training available through FEMA to help them administer the program.
  - Explain that failure to keep proper records can result in no funding or recovery of funds by FEMA.
  - Provide extra help and monitoring as projects begin. Early support will pay off with fewer grant management problems.
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**Environmental/Historic Preservation Concerns**

Public Assistance projects, whether located on or off Indian reservations, may raise environmental and historic preservation concerns.

Public Assistance staff should work with tribes to identify whether a project may affect the environment on tribal lands, disturb tribal historic or sacred sites, or reveal artifacts.

Tribes generally have designated representatives to assist with environmental and historic matters.

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**Resources**

Review the following weblinks:

- Public Assistance program  
<http://www.fema.gov/rrr/pa/>
  - Public Assistance Handbook  
<http://www.fema.gov/rrr/pa/handbk.shtm>
  - Public Assistance Coordinator  
<http://www.fema.gov/rrr/pa/wpac.shtm>
  - Public Assistance Glossary  
<http://www.fema.gov/rrr/pa/glossary.shtm>
  - Historic Preservation and Cultural Resources Program  
<http://www.fema.gov/hp/>
  - Environmental Program  
<http://www.fema.gov/ep/>
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**Conclusion**

This lesson presented:

- The hurdles that can block tribal participation in the Public Assistance process.
  - Strategies for helping tribes apply for Public Assistance and meet program requirements.
  - Factors that help tribes decide to apply as grantees or subgrantees for Public Assistance.
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**Tribal Relations and Mitigation**

Mitigation poses challenges to tribal governments. Tribes must:

- Invest time and effort to meet planning requirements for mitigation.
  - Weigh the advantages and disadvantages of grantee and subgrantee status under the HMGP. In some cases it is illegal for the State to represent the tribe.
  - Overcome barriers to NFIP participation by getting tribal lands mapped and passing floodplain ordinances.
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**Building Mitigation Partnerships**

In working with tribes to promote mitigation:

- Provide careful explanations of mitigation and NFIP programs and requirements.
  - Offer to meet with tribal leaders and tribal council to explain planning and NFIP requirements.
  - If the tribe is to act as subgrantee, offer to provide assistance to the tribe to develop a project that will meet HMGP eligibility requirements.
  - Suggest ways to gain the greatest benefit from available funding.
  - Find partners within tribal administration such as Water Resources or Emergency Management agencies to bring proposals to the tribal council.
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**HMGP Applicants' Briefings**

The State generally conducts Applicants' Briefings unless the tribe plans to be the grantee in which case FEMA would conduct the briefing. If the State is responsible for the briefing, tribal representatives can attend the same briefings as local communities or they can request that a separate briefing be held for the tribe. Staff should assure that the briefings:

- Serve to form or strengthen mitigation partnerships with a tribe.
  - Include HMGP steps and timelines, and aids such as sample mitigation plans and project applications.
  - Explain differences between grantee and subgrantee status.
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**Mitigation Planning**

To receive Pre-Disaster Mitigation (PDM), HMGP, and other mitigation grant funds, tribes need to develop mitigation plans. Mitigation personnel should:

- Describe planning as avoiding damage rather than preparing for disasters. According to grassroots sentiment, if you prepare, it will happen.
  - Provide technical assistance. Most tribes probably will need help developing required mitigation plans. Tribes choosing grantee status under the HMGP program will especially need help meeting planning requirements as well as administering the program.
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**Grantee Versus Subgrantee Status**

Tribes may apply as grantees or subgrantees under the HMGP program and/or Public Assistance (PA) program. Some factors to consider include the following:

- A tribe may choose either status for current and future disasters, and may choose a different status for PA and HMGP programs for the same disaster.
  - As grantees, tribes need to develop a mitigation plan and pay the entire grant cost share.
  - As subgrantees, tribes may not have to pay the full 25% match, as some States will pay a percentage of the cost share.
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**Reasons To Join the National Flood Insurance Program (NFIP)**

Tribal governments show increasing interest in NFIP participation. These communities may want to participate in the NFIP because:

- Floodplain mapping allows planning, so people can be moved out of harm's way.
  - NFIP offers comprehensive insurance coverage that does not follow claims with fee increases or dropped policies.
  - Potential developers want to insure projects on reservations, but insurance is not available without floodplain management.
  - Tribes gain control over State and Federal construction projects that would alter water flows.
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**NFIP Adoption Process**

Advice and information should be provided to tribes throughout the adoption process. Below is a list of steps that tribes follow to participate in the NFIP:

- First, a tribal agency will review information about the NFIP to decide whether the tribe should join.
  - After deciding to recommend NFIP membership, the agency will present a model resolution to the tribal council stating the tribe's intention to participate.
  - Tribes should then work with FEMA to decide what should be studied.
  - Following passage of the resolution, the council may need support to adopt or develop a floodplain ordinance.
  - Finally, flood maps will be developed as funding becomes available.
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**Resources**

Review the following resources for mitigation planning – FEMA's "How To" series of publications:

- How To Guide #1 "Getting Started: Building Support For Mitigation Planning"
- How To Guide #2 "Understanding Your Community's Risks, Identifying Hazards, and Determining Risks"
- How To Guide #7 "Integrating Human Caused Hazards into Mitigation Planning"

The following websites provide more information about mitigation programs:

- Federal Insurance and Mitigation Administration: <http://www.fema.gov/fima/>
  - Mitigation success stories: <http://www.fema.gov/fima/success.shtm>
  - National Flood Insurance Programs: <http://www.fema.gov/fima/nfip.shtm>
  - Mitigation training: <http://www.fema.gov/fima/education.shtm>
  - Hazards: <http://www.fema.gov/hazards/>
  - Emergency preparedness for people with disabilities:  
<http://www.disabilitypreparedness.com>
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**Conclusion**

This lesson presented:

- Issues that influence tribal mitigation and strategies for building mitigation partnerships.
  - Factors that help tribes decide to apply as grantees or subgrantees under the HMGP.
  - Why and how tribes join the NFIP.
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